

PIERCE BAINBRIDGE

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VIA ECF

February 4, 2020

The Honorable Andrew L. Carter Jr.
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Stiles v. Walmart, Inc. et al., No. 1:20-mc-00047-ALC (S.D.N.Y.)

Dear Judge Carter:

I respectfully submit this letter-motion on behalf of plaintiffs Sharidan Stiles and Stiles 4 U, Inc. (collectively, “Plaintiffs”) to request leave to redact portions of Plaintiffs’ brief and to seal certain exhibits Plaintiffs submitted in opposition to Coty, Inc.’s motion to quash.

On February 4, 2020, Plaintiffs served and filed their memorandum of law in opposition to Coty’s motion to quash (the “Opposition Brief”) and concurrently filed the Declaration of Yavar Bathaee in Support of Plaintiffs’ Opposition to Coty’s Motion to Quash, dated February 4, 2020 (the “Bathaee Decl.”) in support of the Opposition Brief. Certain exhibits to the Bathaee Declaration were designated “Confidential” pursuant to the Protective Order entered by the court in the underlying litigation. *See* Protective Order, *Stiles v. Walmart, Inc. et al.*, Case No. 2:14-cv-02234-MCE-DMC (E.D. Cal. Dec. 3, 2018), ECF No. 178. entered a Protective Order as ECF No. 178 (the “Protective Order”) (attached to the Bathaee Decl. as Exhibit Z).

The Protective Order permits the use of confidential information in court filings as necessary for the prosecution of the action. (*See id.* ¶ 9.) Pursuant to the terms of the Protective Order, “[i]f a party files papers that include Confidential Materials of another party, the filing party shall file a request to seal indicating that another party has designated the Confidential Material for protection. . . .” (*Id.* ¶ 14.) However, the requesting party is **not** required to set forth “‘the basis for sealing,’ ‘the statutory or other authority for sealing, the requested duration, [and] the identity, by name or category, of persons to be permitted access to the documents’”—which would ordinarily be required under Local Rule 141(b) of the Eastern District of California (*see id.*) and this Court’s individual practices (*see* Individual Practices of Andrew L. Carter, Jr. 6(C)(ii)). Rather, pursuant to the terms of the Protective Order, the “designating party shall respond to the request to seal within three (3) days, setting forth” the required information. (Protective Order ¶ 14.)

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Here, the materials at issue were designated confidential by Defendants and a third party, and thus they must respond to this request within three days setting forth the reasons that the materials be sealed. Specifically, Plaintiffs request that the Court seal the following exhibits to the Bathaee Declaration (and redact information in the Opposition Brief derived from those exhibits) that have been designated as confidential by defendants Walmart or AI, or third-party Pacific World Corporation:

1. **Exhibit B:** February 18, 2011 email from AI bates stamped AII_00000619-20
2. **Exhibit C:** February 16, 2015 email and excerpts of an attachment between Walmart and Pacific World Corporation bates stamped PWC003460-64
3. **Exhibit D:** September 26, 2011 and October 7, 2011 email between Walmart and Coty bates stamped WM-STILES-0001954
4. **Exhibit E:** Excel spreadsheet attached to October 7, 2011 email from Coty bates stamped WM-STILES-0001956
5. **Exhibit F:** October 14, 2011 email from Coty bates stamped WM-STILES-0001961
6. **Exhibit G:** Excel spreadsheet attached to October 14, 2011 email from Coty bates stamped WM-STILES-0001963
7. **Exhibit H:** October 17, 2011 email and attached Excel spreadsheet bates stamped WM-STILES-0001957-60
8. **Exhibit I:** October 12, 2011 email between Walmart employees bates stamped WM-STILES-0002437
9. **Exhibit J:** July 28, 2014 email from AI bates stamped AII_00001592
10. **Exhibit U:** May 30, 2012 Email from Caroline Day bates stamped WM-STILES-0016902
11. **Exhibit V:** Excel spreadsheet bates stamped WM-STILES-0016903
12. **Exhibit W:** July 18, 2013 email from Melanie Jones and email attachment bates stamped PWC000136
13. **Exhibit X:** October 1, 2013 email from Coty bates stamped PWC000969-71
14. **Exhibit AA:** March 2013 email thread between AI and Chinese manufacturer bates stamped AI00001100-07

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15. Opposition Brief at p. 3, references to Exhibits B, C, and AA
16. Opposition Brief at p. 4, references to Exhibits B, U, V, W, and X
17. Opposition Brief at p. 5, references to Exhibits D, E, F, G, H, and
18. Opposition Brief at p. 6, references to Exhibits E, I and J

Plaintiffs request that the above exhibits and the portions of the brief be designed “Viewing Level – Selected Parties” and restrict access to attorneys appearing for this instant case and attorneys appearing in the underlying litigation: *Stiles v. Walmart, Inc. et al.*, Case No. 2:14-cv-02234-MCE-DMC (E.D. Cal.).

Plaintiffs will file this request and the proposed sealed documents in accordance to this Court’s standing order, 19-mc-00583, and ECF Rules & Instruction, section 6. Plaintiffs will also serve Defendants’ counsel with a copy of the request and the proposed sealed documents via electronic mail.

Respectfully submitted,
/s/ Yavar Bathaee
Yavar Bathaee

cc: All Counsel (Via ECF)